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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

13 MAY 1994

IN REPLY REFER TO:
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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Honorable Elton Gallegly
U.S. House of Representatives
2441 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Gallegly:

This is in reply to your letter of April 15, 1994, in which you inquired on behalf of the Ventura County Sheriff's Department regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represented our best judgment at that stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals, plus a discussion paper released March 1, 1993. Question 16 of the discussion paper concerns power. In sum, the final rules will balance the need for coverage of agencies, such as the Ventura County Sheriff's Department, with the need for regulations that will permit new technologies and reduce interference. With regard to the capital costs of these regulations, we intend to establish a lengthy transition that will minimize the cost to all licensees, including public safety agencies.

Thank you for your interest in this proceeding. We expect to issue final rules in late summer. If you or the County Sheriff have further questions, please contact Dr. Doron Fertig of my staff at (202) 632-6497.

Sincerely,

Edward R. Jacobs

Edward R. Jacobs
Deputy Chief, Land Mobile and
Microwave Division

Enclosures

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Congressional

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM

04/26/94

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9401918	04/26/94	04/15/94	05/20/94	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Elton Gallegly	BC

CONSTITUENT'S NAME	SUBJECT
Ventura County Sheriff Deinquiry--	Private Radio Bureau issue

REF TO	REF TO	REF TO	REF TO
PRE/amm 4/29	088		
DATE	DATE	DATE	DATE
04/26/94	5/2/94		

REMARKS:

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INTERNATIONAL AFFAIRS
RANKING
MINORITY MEMBER

April 15, 1994

Reed Hundt, Chairman
Federal Communications Commission
1919 M Street NW.
Washington, D.C. 20554

Dear Mr. Hundt,

I was recently contacted by the Ventura County Sheriff's Department regarding compliance with the Federal Communications Commission's proposal to replace Part 90 of the FCC rules and regulations with a new Part 88 that will govern all radio operations below 512 MHz.

There are two significant changes in the proposed Part 88 that would have a tremendous impact on not only the County Sheriff's communications, but to numerous other governmental agencies from County Public Works to other law enforcement agencies in the area. These two areas of concern are, splitting existing channels (also known as "refarming") and reducing transmission power as a function of tower height.

These provisions would require the County of Ventura to purchase new user equipment such as mobile and portable radios, base units, mobile data systems and a new transmission backbone. The estimated cost of the entire system is between \$18.6 to \$22.7 million.

The County of Ventura, like most governmental agencies across the nation are facing extremely difficult financial times. The Sheriffs Department has weathered several years of budget cuts and any new expenditures of money would result in a direct reduction of officers on the street. Although funding is a major concern, it is not the only one. Ventura County is a semi-rural County with a mountainous rugged back-country. The Sheriff has real concerns with the potential of dead spots created by the reduction of antenna height that would result in the increase of officer safety problems in those areas. Communication is a key component in the protection of personnel and a loss of even a split second could have devastating results.

I would like to inquire as to when this provision will be passed and the timing of the proposed changes that will take place. Please include a copy of the final rule. I would also like to

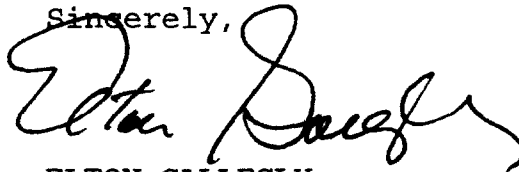
Reed Hundt-2

know what provisions, if any, were added to offset the huge capital costs that would have to be born by the law enforcement community, ie. funding included in the change, grants or grand fathering existing equipment for a period of time. I would also like to reiterate my strong distress pertaining to the reduction of antenna height. If there is any way this condition could be deleted or modified to take into account the public safety concern would be greatly appreciated.

Thank you in advance for your attention to this matter. Should you wish to discuss this further, please contact me at my District Office at (805) 485-2300.

I look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elton Gallegly', with a stylized flourish at the end.

ELTON GALLEGLY
Member of Congress